

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By **CHAIRMAN RIC HOLDEN**, on January 10, 2001 at 3:00 P.M., in Room 422, Capitol.

ROLL CALL

Members Present:

Sen. Ric Holden, Chairman (R)
Sen. Pete Ekegren, Vice Chairman (R)
Sen. Mike Halligan (D)
Sen. Greg Jergeson (D)
Sen. Walter McNutt (R)
Sen. Arnie Mohl (R)
Sen. Linda Nelson (D)
Sen. Gerald Pease (D)
Sen. Corey Stapleton (R)
Sen. Jon Tester (D)
Sen. Tom Zook (R)

Members Excused: None.

Members Absent: None.

Staff Present: Laramie Cumley, Committee Secretary
Doug Sternberg, Legislative Services

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 9, 1/4/01
Executive Action: SB 91, SB 165

HEARING ON SB 9

Sponsor: SEN. CHRIS CHRISTIAENS, SD 23, Great Falls

Proponents: none.

Opponents: Jim Ghekiere, Liberty County Weed District
Doug Johnson, Cascade County Weed District
John Moodry, Butte Silver Bow Weed District
Bob Brastrup, Representing himself
Kelly Leo, Yellowstone County Weed District
Lorna Karn, Montana Farm Bureau
Janet Ellis, Montana Audubon
Richard Fairweather, Meager County Weed District

Opening Statement by Sponsor:

SEN. CHRIS CHRISTIAENS, SD 23, Great Falls. Testified that St. John's Wort would create a new crop for farmers that would be worth more. This is currently a noxious weed in Montana although there are many positive uses of St. John's Wort. This is the second highest selling perineal herb in the natural food industry.

Proponents' Testimony: none.

Opponents' Testimony:

Jim Ghekiere, Liberty County Weed District, presented a letter from the Montana Department of Agriculture regarding alternative crops that are not potential noxious weeds. **EXHIBIT(ags07a01)** This is very hard to control and if a crop was abandoned or was to spread, the responsibility would fall back on the weed districts and therefore, the taxpayers. A list of opponents and Weed District Supervisor meeting attendees' list were presented. **EXHIBIT(ags07a02) EXHIBIT(ags07a03) EXHIBIT(ags07a04)**

Richard Fairweather, Meager County Weed District spoke of a 20 acre patch of St. John's Wort along the railroad tracks which has been sprayed repeatedly by ground, fixed wing and helicopter applications, although it is impacted, it continues to spread. Insects have also been used to try to control St. John's Wort as a noxious weed. Growth of this will contaminate Montana soil and the liability of controlling St. John's Wort may fall back on the Montana taxpayer. **Mr. Fairweather** also noted inconsistencies in the bill.

Doug Johnson, Cascade County Weed District presented exhibits, **EXHIBIT(ags07a05)** Herb market report. **EXHIBIT(ags07a06)** Newspaper article. **EXHIBIT(ags07a07)** St. John's Wort as a crop and explained and underlined text.

John Moodrey, Butte Silverbow Weed District exclaimed that this is just another weed to battle. He presented letters of opposition to this bill. **EXHIBIT(ags07a08)** **EXHIBIT(ags07a09)**

Bob Brastrup, on behalf of himself presented testimony and also noted that the toxins in St. John's Wort would affect cattle and other animals by making them sensitive to sun exposure. **EXHIBIT(ags07a10)**

Kelly Leo, Yellowstone County Weed District presented written testimony. **EXHIBIT(ags07a11)**

Lorna Karn, Montana Farm Bureau opposed SB 9.

Janet Ellis, Montana Audubon opposed the growth of St. John's Wort because of the effects on cattle, wildlife, the life span of seeds and adjacent properties.

Questions from Committee Members and Responses:

SEN. MIKE HALLIGAN asked if St. John's Wort could be grown and controlled in a greenhouse. **Jim Ghekiere** replied the soil in the greenhouse can never be used again because it would be contaminated. The growth of St. John's Wort, the handling of seeds and the greenhouse would need to be approved by the local county weed board. **SEN. HALLIGAN** asked for further clarification on a county weed management plan and policies regarding the approval of this type of operation.

SEN. RIC HOLDEN questioned the sponsor regarding what the "bond" was about. **SEN. CHRISTIAENS** answered by explaining that the "bond" would allow counties to set the necessary rules for the growth and handling of St. John's Wort.

Closing by Sponsor:

SEN. CHRISTIAENS stated that although St. John's Wort as a crop is not widely accepted it is a good alternative to possibly help save farmers in Montana. St. John's Wort has a long germination, is labor intensive and needs to be dried in an enclosed area. Montana agriculture needs every opportunity for alternatives. Two crops can be produced in a single year which are swathed and 30,000 seeds from that can be harvested for use.

EXECUTIVE ACTION ON SB 91

Motion: **SEN. HALLIGAN** moved that **SB 91 DO PASS.**

Discussion:

SEN. JON TESTER expressed that he hoped that the funding discussed in SB 91 would not be used to subsidize major corporations coming to Montana to build large feedlots.

SEN. PETE EKEGREN asked how a large corporation or small corporation is determined. **SEN. TESTER** replied that this is an unsure issue regarding the limits. The department understands the intent of the committee and he trusts that these determinations will be handled.

Vote: Motion **carried unanimously.**

EXECUTIVE ACTION ON SB 165

Motion: **SEN. MCNUTT** moved **SB 165.**

Discussion:

SEN. HOLDEN noted that a fiscal note had been received.

SEN. HALLIGAN asked if the department could internally cover cost of \$2,000 that was discussed in SB 165. **Ralph Peck, Department of Agriculture** answered yes, this can be covered internally.

Vote: Motion **carried unanimously.**

SEN. HALLIGAN mentioned that **SEN. CHRISTIAENS'** bill was important to him and that the Chairman may want to discuss the options that SB 9 has to work with.

SEN. HOLDEN replied that executive action on SB 9 will not be until at least the next committee meeting.

ADJOURNMENT

Adjournment: 4:00 P.M.

SEN. RIC HOLDEN, Chairman

LARAMIE CUMLEY, Secretary

RH/LC

EXHIBIT (ags07aad)